

10/549759 Is Not In Subm Diffs
Banc

Request for Legal Staff Consideration

RECEIVED

Serial No.

10/549759 12 OCT 2005 Date : 10/6/05

Legal Staff
International Division

Request : Petition To Revive Unintentionally Abn. Appl. Petition under Rule 1.47

Other : Applied Under 371 Transittle in
error - Applicant should have
been Served As A 171 application
see attached Pardon and
Six Transittle

Requestor :

Supervisor : G.S.H.

Response :

Response:

By :

Date :

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OCT-6

12:01

BURNS DOANE SWECKER MATHIS

P.01/07

Buchanan Ingersoll PC

ATTORNEYS

Facsimile Cover

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Date: Oct. 6, 2005

TO: Rita White/PTO

Fax Number: 703 302 3479

Company: PTO

Telephone: 703 308 9140 x231

Your Reference: PCT#10549759

FROM: Brian O'Shaughnessy

Telephone: 703 838 6659

Our Reference: 034384-003

Sent By: Sally Dankers

Number of Pages 8
Including Cover:

Message:

11/09/2005 CSM00T 00000002 024800 10549759
Sale Ref: 00000002 DAB: 024800 10549759
01 FC:1462 400.00 DA

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of) Mail Stop Petitions
 Ignacio Blanco Blanco) Group Art Unit:
 Application No.: PCT#10549759) Examiner:
 Filed: September 19, 2005) Confirmation No.:
 For: USE OF ALPHA-1 ANTITRYPSIN FOR)
 THE PREPARATION OF)
 MEDICAMENTS FOR THE)
 TREATMENT OF FIBROMYALGIA)

PETITION TO CONVERT §371 APPLICATION TO §111 APPLICATION

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

The Commissioner is respectfully requested under 37 CFR §1.182 to reclassify the referenced application as a utility application. The filing fee of \$1400.00, Transmittal Letter and Petition Fee is submitted concurrently with this petition.

The application was inadvertently designated as a §371 application, when it should have been filed as a utility application claiming benefit of an earlier foreign filed application under 35 U.S.C. §119. The designation was inadvertent, unintentional and without deceptive intent. Applicants request that the application be accorded its actual filing date at the U.S. Patent and Trademark Office, i.e., September 19, 2005 as requested in the transmittal papers inadvertently designating §371. Enclosed is a copy of the date stamped postcard indicating receipt by the U.S. Patent and Trademark Office of the §371 application on September 19, 2005.

This application was filed September 19, 2005, with an executed Declaration.

Petition To Convert §371 Application To §111 Application
Application No. PCT#10549759
Attorney's Docket No. 034284-003
Page 2

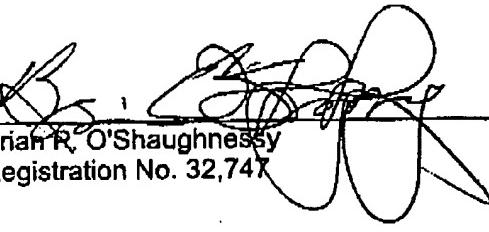
The Petition fee of \$130.00 37 CFR §1.17(h) is authorized to be charged to
our Deposit Account 02-4800.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R.
§§1.16 and 1.17 that may be required by this paper, and to credit any overpayment,
to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL PC (INCLUDING ATTORNEYS FROM BURNS
DOANE SWECKER & MATHIS)

Date: October 6, 2005

By: 
Brian R. O'Shaughnessy
Registration No. 32,747

P.O. Box 1404
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VA 796041.1

PAGE 3/7 * RCVD AT 10/6/2005 2:07:05 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/24 * DNIS:3023479 * CSID: * DURATION (mm:ss):01:56

OCT-06-2005 12:01

BURNS DOANE SWECKER MATHI

PCT Postcard

P.04/07
D

Applicant/

Inventor: Ignacio Blanco Blanco

Docket No.: 034284-003

Working Atty.: BOS/spd

Title: USE OF ALPHA-1 ANTITRYPSIN FOR THE PREPARATION OF MEDICAMENTS FOR THE TREATMENT OF FIBROMYALGIA

Appn. No.:

Date: September 19, 2005



The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- Transmittal Letter to the U.S. Receiving Office/
Response to Invitation (PTO-1382)
 Transmittal Letter to U.S. Designated/Elected
Office (DO/EO/U.S) Concerning Filing Under
35 USC 371 (PTO-1390)
 PCT Request (PCT/RO/101) () pgs.

INCLUDING:

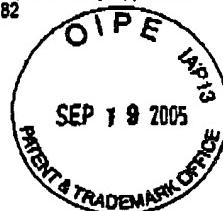
- Specification (pages 1 - 16)
 Claims (claims(s) 1 - 16 , 3 pgs.)
 Drawings (Fig(s). 1 - , pgs.)
 Abstract of the Disclosure
 PCT Fee Calculation Sheet Annex to the Request
(PCT/RO/101 (Annex))
 PCT Demand (PCT/IPEA/401) International
Preliminary Examination Report
 PCT Fee Calculation Sheet Annex to Demand for
Int'l. Preliminary Exam. (PCT/IPEA/401 (Annex))

- PCT Notice of Confirmation of Precautionary
Designations (PCT/RO/144)
 Executed Declaration/Power of Attorney
 Unexecuted Declaration/Power of Attorney
 Assignment/Assignment Recordation Form
Cover Sheet (PTO-1595)
 Appointment of Agent
 Preliminary Amendment
 Information Disclosure Statement Transmittal
 Information Disclosure Citation (PTO-1449)
 Information Disclosure Statement w/ document(s)
 Patent Application Data Sheet
 Gen. Authorization for Petition for Ext. of Time
and Payment of Fees
 Diskette

- Check for \$ _____ is enclosed
 Check for \$ _____ is enclosed
 Charge \$ 1,400.00 to Deposit Account
 Charge \$ _____ to credit card. Form
PTO-2038 is attached.
 certified copy of priority application
200402282

If submitting documents via Express Mail, provide the Express Mailing Label No. below:

Express Mail Mailing Label No.



Patent
Attorney Docket No. 034284-003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**UTILITY PATENT
APPLICATION TRANSMITTAL LETTER**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer Number **21839**

Sir:

Enclosed for filing is the utility patent application entitled:

**USE OF ALPHA-1 ANTITRYPSIN FOR THE PREPARATION OF MEDICAMENTS FOR THE
TREATMENT OF FIBROMYALGIA**

by the following named inventor(s):

Ignacio Blanco Blanco

- Applicant(s) suggests Figure _____ for inclusion on the front page of the patent application publication and patent.
- Applicant(s) requests that the published application include the following assignment information:
Probitas Pharma S.A.

- Small entity status is claimed.

Also enclosed are:

DRAWINGS: _____ sheets of drawings

DECLARATION: will follow executed, is enclosed unexecuted, is enclosed

ASSIGNMENT: is enclosed will follow

Buchanan Ingersoll PC

ATTORNEYS

Including Attorneys from Burns Doane Swecker & Mathis

Page 1 of 3
(8/05)

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Attorney Docket No. 034284-003
Application No. N/A

**CLAIM FOR
PRIORITY
UNDER
35 U.S.C.
§ 119 and/or
365:**

is made in the declaration

is hereby made as follows

certified copy(ies) enclosed

certified copy(ies) will follow

OTHER PAPERS:

- A General Authorization for Petitions for Extensions of Time and Payment of Fees.
 - An Information Disclosure Statement.
 - An Application Data Sheet (ADS).
 -

□

The filing fee has been calculated as follows and in accordance with the enclosed preliminary amendment:

This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.

Buchanan Ingersoll PC

ATTORNEYS

Including attorneys from Burns Doane Swecker & Mathis

Page 2 of 3

PAGE 67 * RCVD AT 10/6/2005 2:07:05 PM [Eastern Daylight Time] * SVR:USPTO-EXRF-5/24 * DNI:3023479 * CSID: * DURATION (mm:ss):01:56

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Attorney Docket No. 034284-003
 Application No. N/A

- Charge \$ 1,400.00 to Deposit Account No. 02-4800 for the fee due.
- A check in the amount of _____ is enclosed for the fee due.
- Charge _____ to credit card. Form PTO-2038 is attached.
- The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

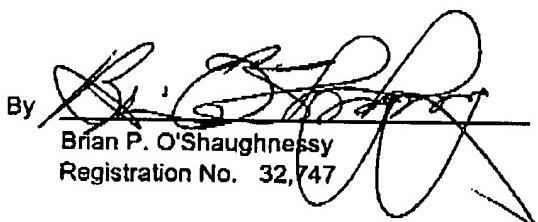
Please address all correspondence concerning this application to:

Buchanan Ingersoll PC
 Including attorneys from Burns, Doane, Swecker & Mathis
 Customer Number 21839
 P.O. Box 1404
 Alexandria, VA 22313-1404

Respectfully submitted,

BUCHANAN INGERSOLL PC

By


 Brian P. O'Shaughnessy
 Registration No. 32,747

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 Alexandria, Virginia 22313-1404
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Filed: Oct. 6, 2005

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ATTORNEYS

Including attorneys from Burns, Doane, Swecker & Mathis

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